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ABSTRACT

This unit is one of a series that represents specific moments in history from which students focus on the meanings of landmark events. By studying a crucial turning point in history, students become aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. The purpose of this unit is to study the origin, significance, and administration of law within the Babylonian Empire. The social, economic, moral, and political complexity of the state in the 18th century B.C. required a written code as a norm by which justice could be obtained. The Code of Hammurabi, a compilation of customs, earlier codes, and court decisions, provided for social order. It was based on the ancient concept that law was both human and divine and given to the ruler by the gods so that he could govern his people ethically. The documents selected for this unit reflect man's early progress toward justice under the law. The unit aims toward five objectives: (1) to identify the need for a written code of law; (2) to identify the various people involved in and the steps taken in the process of law; (3) to recognize that laws are enacted to protect the citizens; (4) to understand that law codes vary in degree of strictness; and (5) to appreciate the necessity of government to provide justice and order in a civilized society. The unit contains teacher background materials, student resources, and three lesson plans. Contains 10 references. (Author/DK)

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ED 376 106

THE CODE OF HAMMURABI: LAW OF MESOPOTAMIA

A UNIT OF STUDY FOR GRADES 9-12

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U.S. DEPARTMENT OF EDUCATION
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Hammurabi Stele
Illustrated by Alex Symcox

NATIONAL CENTER FOR HISTORY IN THE SCHOOLS
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and the National Endowment for the Humanities

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Finally, we acknowledge the continuing contributions of the National Endowment for the Humanities which established the National Center for History in the Schools in March 1988 and has generously supported this activity.

For information on additional teaching units and other resources from the Center, please write:

National Center for History in the Schools
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Moore Hall 231, 405 Hilgard Avenue
Los Angeles, CA 90024-1521

APPROACH AND RATIONALE

By Linda Symcox

The National Center for History in the Schools has developed the following collection of lessons for teaching **The Code of Hammurabi: Law of Mesopotamia**. Our units are the fruit of a year-long collaboration between history professors and experienced teachers of both United States and World History. They represent specific "**dramatic moments**" in history from which you and your students can pause to delve into the deeper meanings of selected landmark events and explore their wider context in the great historical narrative.

In our approach, the continuing narrative provides the context in which the dramatic moment is situated. By studying a crucial turning-point in history, the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected dramatic moments that best bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow's history.

Our dramatic moments are based on **primary sources**, taken from documents, artifacts, journals, diaries, newspapers and literature from the period under study. As you know, a primary source is a **first-hand** account of any event in history. For example, the telecast or the script of a speech would be a primary source. A secondary source is a **second-hand** account of an event. This would be, for example, the newspaper account of the speech the next day or a newscaster's report about the speech. All historical accounts, such as textbooks, are by their very

nature secondary sources. What we hope to achieve using primary source documents in these lessons is to remove the distance that students feel from historical events and to connect them more intimately with the past. In this way we hope to re-create for your students a sense of "being there," a sense of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian's craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

CONTENT AND ORGANIZATION

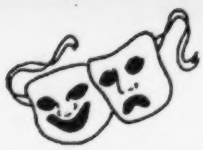
Within this unit, you will find: 1) **Teacher Background Materials** and 2) **Lesson Plans** with **Student Resources**. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. We have chosen to pitch the various lessons on different grade levels and they can usually be adapted to a slightly higher or lower level.

The **Teacher Background** section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the specific **Dramatic Moment** to the larger historical narrative. You may consult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

The **Lesson Plans** include a variety of ideas and approaches for the teacher which can be elaborated upon or

cut as you see the need. These lesson plans contain student resources which accompany each lesson. These resources consist of primary source documents, any handouts or student background materials, and in many cases, a bibliography for the unit.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of inevitable facts and meaningless dates but rather as an endless treasure of real life stories, and an exercise in analysis and reconstruction, rather than rote memorization.



THE FIRST LEGAL PRECEDENT

A murder was committed in the land of Sumer in about 1850 B.C. Three men, a barber, the slave of a gardener, and one whose occupation was not known, killed a temple official named Lu-Inanna. The murderers, for some unknown reason, then informed the victim's wife, Nin-dada, that her husband was dead. For whatever reason, she kept their secret and did not notify the authorities.

The arm of the law was long, even in those days, at least in the highly civilized state of Sumer. The crime was brought to the attention of King Ur-Ninurta, in his capital city Isin, and he turned the case over for trial to the Citizens Assembly at Nippur, which acted as a court of justice.

In this assembly, nine men arose to prosecute the accused. They argued, "They who have killed a man are not worthy of life. Those three men and that woman should be killed in front of the chair of Lu-Inanna." The wife, Nin-dada, was to be executed because she had "opened not her mouth, her lips remained sealed." She was considered an accessory after the fact.

Two men, an official of Ninurta and a gardener, spoke up in defense of the woman. "Granted that the husband of Nin-dada had been killed, but what had the woman done that she should be killed?"

Additional evidence was given and the Citizens Assembly ruled that "A woman whose husband did not support her—granted that she heard that her husband's enemies, and that after her husband had been killed, she heard that her husband had been killed—why should she not remain silent about him? Is it she who killed her husband? The punishment of those who actually killed should suffice." Nin-dada was given her freedom and the men were sentenced to death.

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TEACHER BACKGROUND MATERIALS

I. UNIT OVERVIEW AND RATIONALE

The purpose of this unit is to study the origin, significance, and administration of law within the Babylonian Empire. The social, economic, moral, and political complexity of the state in the 18th Century B.C. required a written code as a norm by which justice could be obtained. The Code of Hammurabi, a compilation of customs, earlier codes and court decisions, provided for social order. It was based on the ancient concept that law was both human and divine and given to the ruler by the gods so that he could govern his people ethically. The documents selected for this unit reflect man's early progress toward justice under the law.

Laws are written to maintain social order and the development of law reflects the values of the civilization in which the laws were enacted. Law as a comparative theme can link the Mesopotamian period to others, (e.g. Egyptian Negative Confessions, the Mosaic Law, the laws of the Greek city states, the Twelve Tablets of Rome, etc.) Law can also be used to relate the present to the past and perhaps to help the students understand why we study history.

II. UNIT CONTEXT

These lessons should be taught as part of a unit on Mesopotamia. By the Babylonian Period, the development of a sophisticated culture with its class structure, occupational specialization, trade relations, religious beliefs, and government bureaucracy required a system of written rules. Though not the first written law, the Code of Hammurabi (1792-1750 B.C.) was one of the earliest collections of law to survive (and the basis for later Semitic codes). It was used to maintain order within a complex empire.

III. UNIT OBJECTIVES

1. To identify the need for a written code of law.
2. To identify the various people involved in and the steps taken in the process of law.
3. To recognize that laws are enacted to protect the citizens.
4. To understand that law codes vary in degree of strictness.
5. To appreciate the necessity of government to provide justice and order in a civilized society.

IV. INTRODUCTION TO THE "CODE OF HAMMURABI"

By Amanda H. Podany

Mesopotamian history can be characterized as having been shaped by two conflicting forces: the desire for independence on the part of individual cities, and the pervasive ideal of a united land. Throughout most of the third millennium B.C. city-states remained independent of one another, although periodically kings would forge larger kingdoms by means of conquest. The residents of each city had a strong allegiance to their own state and to the god who resided in its greatest temple, and they resisted domination by any other city, and, by extension, its god.

Nevertheless, the city-states also always shared a sense of community. The inhabitants of Mesopotamia recognized their common religion, culture, and written language, and called themselves as a group "the black-headed ones." Sargon of Akkad, who ruled for fifty-five years during the twenty-third century B.C., was the first king to unite the people politically in an empire that stretched from the Mediterranean Sea in the north to the Persian Gulf in the south. His memory was evoked for thousands of years after his death by kings who strove to emulate his achievement. However, his empire did not last long; after only a few generations it was brought down by a combination of internal rebellion and external attack, and was succeeded by a smaller empire ruled by Sumerian kings at the city of Ur.

Around 2000 B.C. this empire, too, came to an end as a result of the same forces, and Mesopotamian unity disintegrated; in its place local kings formed many small kingdoms, not unlike those of the earliest Sumerian times. There was an important difference, however. The

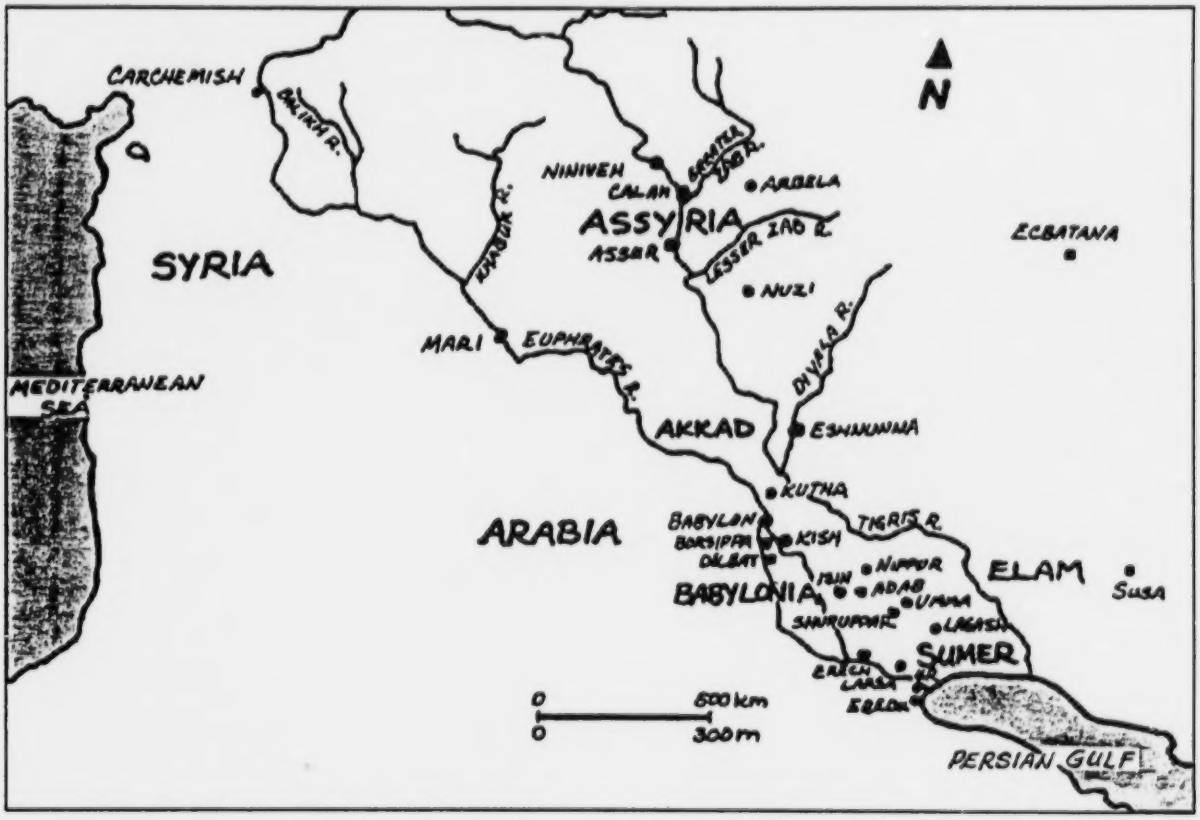
kings of the second millennium almost all bore Semitic names. Sumerian seems by this time to have become a dead language, used only for literary and religious purposes. Some of the new dynasts were from old Akkadian families, but others were newcomers to Mesopotamia, Amorites from the west who had invaded in the first centuries of the second millennium, settled, and adopted native Mesopotamian culture.

One of the new Amorite dynasties took up residence in the city of Babylon, which had previously played no significant role in Mesopotamian history. In 1792 B.C. a king named Hammurabi (or Hammurapi) succeeded to the throne in Babylon, and was to prove himself an heir to Sargon in his conquest of the whole land of Mesopotamia. Also like Sargon his achievements were remembered for many generations. Hammurabi tends to be known best today, however, not for his military victories or his administrative abilities but for his law code.

In fact we know that the issuance of a code of law was standard procedure for Mesopotamian kings long before the time of Hammurabi. Written law was both a source of legitimacy for the king (since law ultimately derived from the gods and was passed on by the king and since he functioned as the supreme source of justice) and proof of his concern for the well-being of his people. The law codes were not exhaustive; many obvious crimes are not mentioned. They seem rather to have been lists of legal precedents by which future cases would be judged. One also finds no absolute laws of the kind seen later in the Biblical Ten Commandments; all Mesopotamian law was conditional. Hammurabi's code is the best known of the laws because it is the best preserved but, as is shown in the unit that follows, other law codes dealt with similar issues and reflect similar assumptions.

The codes are fascinating today not only for the insight they provide into the complex and sophisticated legal; system constructed by the Mesopotamians but also for their revelations about Mesopotamian life, the everyday concerns of people who lived over 3500 years ago.

Ancient Mesopotamia, 3100 B.C. - 1600 B.C.



Illustrated by Carole Collier Frick

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V. LESSON PLANS

1. Law and Justice in Sumer and Babylon
2. The Code of Hammurabi and Other Ancient Codes
3. Court Cases From the Ancient Near East and Today

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LESSON ONE

LAW AND JUSTICE IN SUMER AND BABYLONIA

A. Objectives

1. Compare and contrast a courtroom in the twentieth century United States with that of Sumer and Babylon (2800-1595 B.C.).

2. Identify the beginnings of legal principles that are used today.

3. Draw conclusions from source materials.

B. Lesson Activities (One Day)

1. "Today we are going to be looking at a courtroom scene. We are all familiar with courtrooms because we have read descriptions of them in newspapers, we see them on the television or maybe I have captured a scene from your favorite (select T.V. program/film). What we are going to see is (teacher selects show). There is a good story in the (episode/film) but we are not looking at that. What we want to do is ANALYZE the courtroom scene. As you are looking I want you to think about the following questions:"

   a. Who are these people? What names or titles do we give them?

   b. What are their roles or responsibilities in the courtroom?

   c. What are some of the actions taken in accordance with the law?

2. Show the courtroom clip. After it is finished repeat the questions above and accept answers from the students. Write their answers on the board. Their answers should include some of the information on the **"U.S.A."** side of the **"Court of Law"** chart.

COURT OF LAW

U.S.A	Sumer
Judge	2 or 4 Dikud and Mashkim (any number)
Witnesses	Witnesses
Bailiff	Musazkirum "Commissioner of Oaths"
Court Reporter	Scribes (they could be women)
Jury	Citizen Assembly
Prosecution Lawyer	None (Mashkim were arbitrators but they settled disputes out of court)
Defense Lawyer	None
Defendant	Defendant
Plaintiff	Plaintiff
Clerk of the Court	Constable
County Sheriff or U.S. Marshall	U. S. Government Official
Evidence and Sealed Documents	Written Documents with Seal
Swearing in	No last name - Known by Parents, City or Occupation
Name Stated	
Oath	Oath of the Gods

3. Discussion: After listing the people involved in a court of law and talking about their roles and responsibilities ask the students:

   - What is the function of the court of law?

- What is the connection between law and justice?
- Why do we have laws?
- When in history do you think law and courts of justice began?
- What kinds of laws do you think the Sumerians and Babylonians had?

4. Share with students **STUDENT RESOURCE A**, the map of the Babylonian Empire.

5. Share with students **STUDENT RESOURCE B**, the case of "The Silent Wife" up to the verdict and sentence. Stop and ask the class to act as the jury (Citizen Assembly) and rule on the case.

   a. Accept their various comments and then ask:

      In the United States today, how would the wife have been judged?

   b. According to U.S. law the wife would be considered NOT GUILTY as an accessory after the fact. An accessory must know that a felony will be committed. The accessory must also receive, relieve, comfort, or assist the felon.

   c. In addition to the verdict, what other information can you learn about the case, the court, and the people of Sumer? The students should identify:

      - People present in the courtroom. (Now fill in the "Sumer" side of the chart on the board.)
      - That the people didn't have last names but were known by parentage, city or occupation.
      - That for a fair trial (the dead man was a temple

official) there had been a change of *venue*. Help the students locate Sumer, Isin, and Nippur on the map.

- Perhaps this was an appeals case.

6. Pass out **STUDENT RESOURCE C**, the "Prologue," and answer the questions together.

C. Sample Questions for Discussion of Background Materials

a. What is the function of the court of law?

b. What is the connection between law and justice?

c. Why do we have laws?

d. When in history do you think law and courts of justice began?

e. What kinds of laws do you think the Sumerians and Babylonians had?

D. Homework Assignment

Hand out **STUDENT RESOURCE D**, the "Epilogue" and ask the students to read it and answer the questions. Time permitting you could read the document together.

Mini Lecture

The case of "The Silent Wife" became a precedent and part of the body of written law which originated in the Babylonian Period. Laws were first part of an oral tradition, but once writing was developed, codes of law and rulings under the law became part of the civilization's permanent record. Law from the Babylonian Period is best known from the **Code of Hammurabi**, a combination of common law, legal precedents and previous codes. Parts of these earlier codes were probably used to judge "The Silent Wife" case.

Law for the Babylonians was seen as both divine and human. Divine law was given to man by the gods as "truth," fixed laws upon which social order was based (natural law). As part of the divine plan, the god gave the law to the care of the king. But law was also human, the work of rulers, law makers, and the courts and we know it as "justice".

An example of this is to be found in the "Prologue" and "Epilogue" of the Code of Hammurabi. Here Hammurabi tells us that he rules with the permission of the gods and that he will bring truth and justice to his people.

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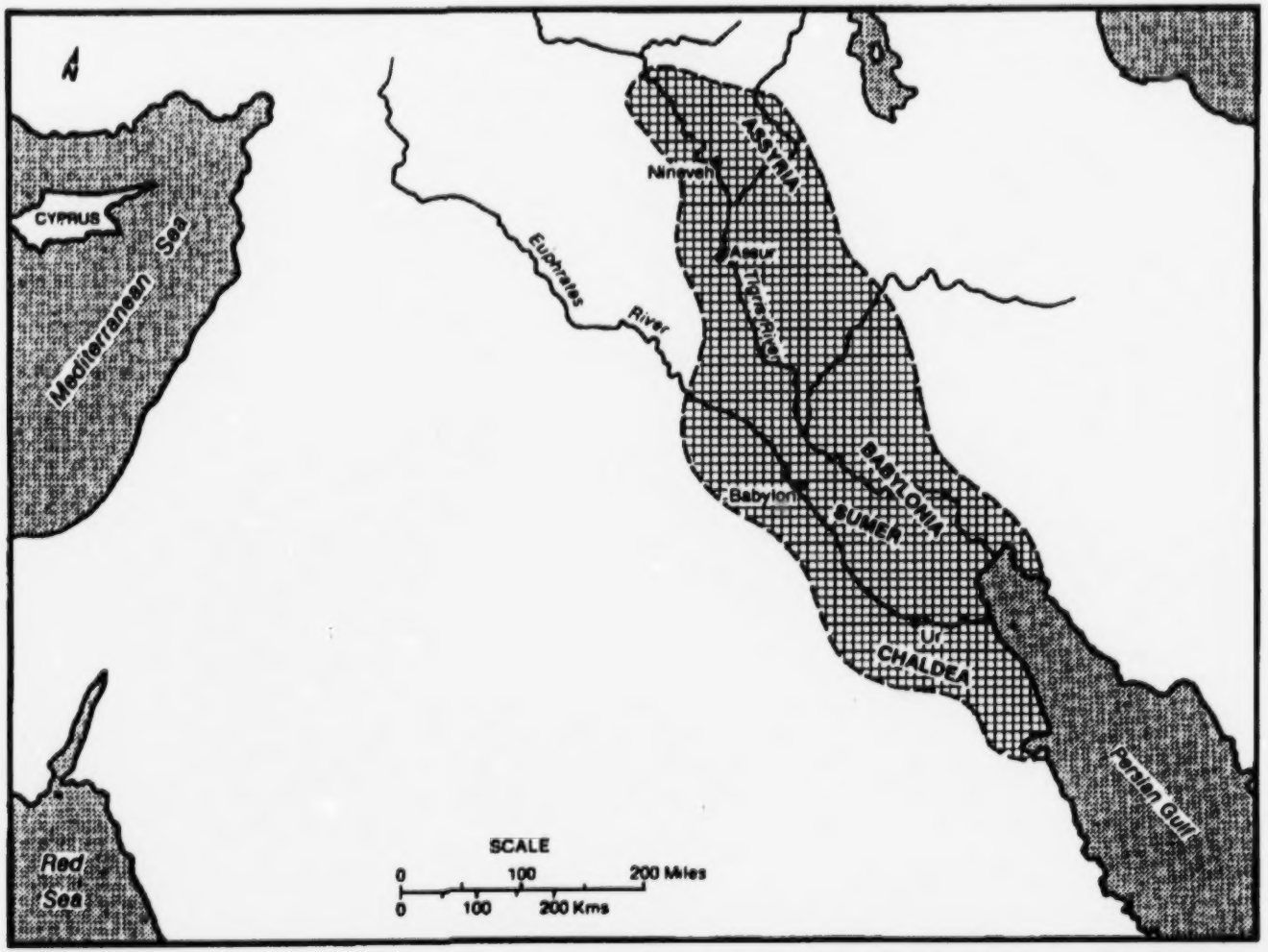
STUDENT RESOURCE A

BABYLONIAN EMPIRE, c. 1750 B.C.



Babylonian Empire

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STUDENT RESOURCE B

THE SILENT WIFE
(Primary Source)

Nanna-sig, the son of Lu-Sin, Ku-Enlil, the son of Ku-Nanna, the barber, and Enlil-ennam, the slave of Adda-kalla, the gardener, killed Lu-Inanna, the son of Lugal-apindu, the nishakku-official.

After Lu-Inanna, the son of Lugal-apindu, had been put to death, they told Nin-dada, the daughter of Lu-Ninurta, the wife of Lu-Inanna, that her husband Lu-Inanna had been killed.

Nin-dada, the daughter of Lu-Ninurta, opened not her mouth, (her) lips remained sealed.

Their case was (then) brought to (the city) Isin before the king, (and) the King Ur-Ninurta ordered their case to be taken up in the Assembly of Nippur.

(There) Ur-gula, son of Lugal-..., Dudu, the birdhunter, Ali-ellati, the dependent, Buzu, the son of Lu-Sin, Eluti, the son of...Ea, Shesh-Kalla, the porter, Lugal-Kan, the gardener, Lugal-azida, the son of Sin-andul, (and) Shesh-Kalla, the son of Shara-.., faced (the Assembly) and said:

"They who have killed a man are not (worthy) of life. Those three males and that woman should be killed in front of the chair of Lu-Inanna, the son of Lugal-apindu, the nishakku-official."

(Then) Shu ..-lilum, the ..-official of Ninurta, (and) Ubar-Sin, the gardener, faced (the Assembly) and said:

"Granted that the husband of Nin-dada, the daughter of Lu-Ninurta, had been killed, (but) what had the woman done that she should be killed?"

(Then) the (members of the) Assembly of Nippur faced (them) and said:

"A woman whose husband did not support her—granted that she knew her husband's enemies, and that (after) her husband had been killed — why should she not remain silent about him? Is it she who killed her husband? The

punishment of those who (actually) killed should suffice."

In accordance with the decision of the Assembly of Nippur, Nanna-sig, the son of Lu-Sin, Ku-Enlil, the son of Ku-Nanna, the barber, and Enlil-ennam, the slave of Adda-kalla, the gardener, were handed over (to the executioner) to be killed.

(This is) a case taken up by the Assembly of Nippur.

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PROLOGUE
(Primary Source)

When the lofty Anu, king of the Anunnaki gods, and Enlil, lord of heaven and earth, he who determines the destiny of the land, committed the rule of all mankind to Marduk, the chief son of Ea; when they made him great among the Igigi gods; when they pronounced the lofty name of Babylon; when they made it famous among the quarters of the world and in its midst established an everlasting kingdom whose foundations were firm as heaven as earth — at that time, Anu and Enlil named me, Hammurabi, the exalted prince, the worshipper of the gods, to cause justice to prevail in the land, to destroy the wicked and the evil, to prevent the strong from oppressing the weak, to go forth like the sun over the black-headed people, to enlighten the land and to further the welfare of the people. Hammurabi, the shepherd named by Enlil, am I, who brought plenty and abundance;...obedient to the mighty Shamash;...who rebuilt Ebabbar for Shamash, his helper;...the powerful king, the sun of Babylon, who caused light to go forth over the lands of Sumer and Akkad; the king who caused the four quarters of the world to render obedience; the favorite of Ishtar, am I.

When Marduk sent me to rule the people and to bring help to the country, I established law and justice in the language of the land and promoted the welfare of the people. At that time (I decreed):

1. What five gods are named in the document?

2. What work did the gods choose Hammurabi to do?

3. Over what lands did Hammurabi rule? What do you know about the peoples of those lands?

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STUDENT RESOURCE D

EPILOGUE
(Primary Source)

(These are) the just laws which Hammurabi, the wise king, established and by which he gave the land stable support and good government. Hammurabi, the perfect king, am I. I was not careless, nor was I neglectful of the black-headed people, whose rule Enlil presented and Marduk delivered to me...

The great gods called me, and I am the guardian shepherd whose sceptre is just and whose beneficent shadow is spread over my city. In my bosom I carried the people of the land of Sumer and Akkad; under my protection they prospered; I governed them in peace; in my wisdom I sheltered them.

In order that the strong might not oppress the weak, that justice be given to the orphan and the widow, in Babylon, the city whose turrets Anu and Enlil raised, in Esaglia, the temple whose foundations are as firm as heaven and earth, for the pronouncing of judgements in the land, for the rendering of decisions for the land, and to give justice to the oppressed, my weighty words I have written upon my monument, and in the presence of my image as a king of justice have I established it.

The king who is preeminent among kings am I. My words are precious, my wisdom is unrivaled. By the command of Shamash, the great judge of heaven and earth, may I make justice to shine forth on the land. By the order of Marduk, my lord, may no one efface my statues, may my name be remembered with favor in Esaglia forever.

Let any oppressed man, who has cause, come before my image as king of justice! Let him read the inscription on my monument! Let him give heed to my weighty words! And may my monument enlighten him as to his cause and may he understand his case! May he set his heart at ease! (and he will exclaim): "Hammurabi indeed is a ruler who is like a real father to his people; he has given reverence to the words of Marduk, his lord; he has established prosperity for the people for all time and given good government to the land"...

In the days that are yet to come, for all future time, may the king who is in the land observe the words of justice which I have written upon my monument! May he not alter the judgements of the land which I have pronounced rendered! May he not efface my statues! If that man have wisdom, if he wish to give his land good government, let him give attention to the words which I have written upon my monument! And may this monument enlighten him as to procedure and administration, the judgements which I have pronounced, and the decisions I

have rendered for the land! And let him rightly rule his black-headed people; let him pronounce judgements for them and render for them decisions! Let him root out the wicked and the evil from his land! Let him promote the welfare of his people!

Hammurabi, the king of justice, to whom Shamash has committed truth, am I. My words are weighty; my deeds unrivaled; only to the fool are they vain; to the wise they are worthy of every praise.

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(Esaglia - Sumerian name of the great Temple of Marduk at Babylon.)

1. What is the primary purpose of the Code?

2. How could justice be obtained?

3. What advice does Hammurabi give to future kings?

4. What line in the epilogue expresses the difference between human and divine law?

THE CODE OF HAMMURABI AND OTHER ANCIENT CODES

A. Objectives

1. To familiarize students with the Code of Hammurabi and other ancient codes of law.

2. To categorize laws according to areas of social concern and protection under the law.

3. To identify class structure reflected within the code.

4. To compare and contrast ancient legal codes.

B. Lesson Activities (Two Days)

1. Collect homework and review the Babylonian concept of law and justice through the court system and the codes. Ask the students to recall the answers to the homework questions.

2. Show students the illustrations of clay envelopes that contain cuneiform legal documents, seals (both cylinder and stamp), and Hammurabi's Stele. (See ***Illustrations One*** through ***Four.***)

3. Review with the students:

   a. The Code of Hammurabi Stele was discovered in 1901 by a French archaeologist at a dig in the city of Susa. Today the stele is in the Louvre Museum in Paris. Hammurabi, who is standing, worships Shamash, god of sun and truth. Shamash chose Hammurabi to rule by justice through the law. The law is god-given and therefore justified in religious terms and acceptable to the people. On

the stele were written the 282 laws of Hammurabi's Empire for all to read.

b. Seals were of two types, cylinder and stamp, and they were the equivalent to a person's signature. The seals were impressed into the clay of both the document and the envelope to make them legal.

c. The use of envelopes with seals. A duplicate of the document on the envelope was found inside to prevent tampering with the original.

Illustration One: Hammurabi Stele, by Alex Symcox.

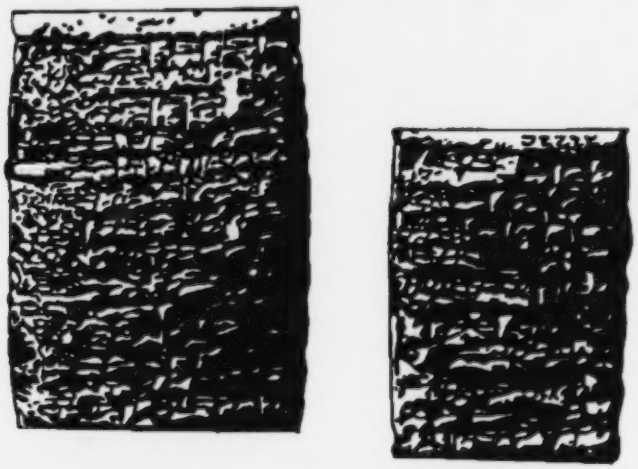

Illustration Two: To authenticate a legal document and prevent possible fraudulent alterations, tablets would be enclosed in a clay "envelope" which was sealed, and often had the text repeated on it.

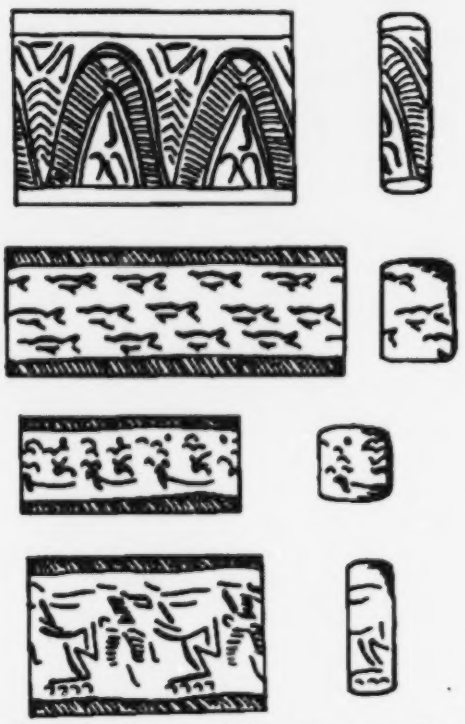

Illustration Three: Early examples of cylinder seals (c. 2800 B.C.) Baghdad

Illustration Four: Stamp Seals with impressions (c. 2900 B.C.) Baghdad

Illustrations by Carole Collier Frick

4. The Code of Hammurabi (**STUDENT RESOURCE E**).

- "Today we want to work with the laws. Remember that they are not like our modern laws but were written to fit the needs of the people in the Ancient Near East. Some of them may appear strange to you."

- "Please do not write on the Code (edited set enclosed) as it is a class set. Write only on the question sheet that I will give you."

- "You will only have time now to read through some of the laws. As you read, answer some of the questions."

- "Let's look at question #1 on **STUDENT WORKSHEET ONE** together. Read laws 1 through 5. The topic of these laws is justice in the court. Laws 6 - 24 deal with.... (accept a student answer). Now I'll let you work by yourselves. You have about 10 minutes."

  Walk around the classroom and give students individual help where needed. At the end of the reading time, ask the class to share their answers.

5. Discussion of the Code of Hammurabi

Accept the students' ideas and list them on the board making sure that the following points are understood:

- The Law of retaliation, or an eye for an eye, was part of the Code. The laws were severe and harsh.

- The wording of the law allowed for little interpretation. Violation equals punishment. If you do this .... then this will happen.

- Divide the class into three groups: aristocrats, commoners and slaves. Punishment for a crime was decided according to a victim's class.

- The social, moral and economic values of the civilization are found within the law and protected by it. The laws are categorized accordingly.

- The governing of an empire requires a single written code in order to provide justice to all people.

6. Other Ancient Codes

Hammurabi's Code WAS NOT the first written legal code. This Code was a combination of existing earlier codes, common law and precedent. It became the standard for Hammurabi's empire and for later Semitic empires. Some of the earlier codes include: (you may want to put this chart on an overhead).

Early Codes of the Ancient Mesopotamia

B.C. dates	Code Name
2378-2371	Urukagina, ruler of Lagash, initiates social reforms. These constituted the prototype of law.
2096	Ur-Nammu (3rd Dynasty Ur)
1934-1924	Lipit-Ishtar (Isin Dynasty 37 laws preserved)
1790	Laws of Eshnunna
1792-1750	Code of Hammurabi

7. **Skill Check**: you may wish to check the students' understanding of historical dates and terms:

   - B.C. Before Christ
   - A.D. Anno Domini; In the year of Our Lord; (NOT "After Death"
   - Century 100 years
   - How to figure the meaning of e.g. "the 18th Century B.C."

8. As you can see there were a number of written codes before the Code of Hammurabi, and there may be still earlier ones to be discovered. However, let's look for similarities and differences within the Laws of Eshnunna and the Code of Hammurabi. Please do not write on the codes. Write only on the answer sheet. **(WORKSHEET II.)**

   Allow reading time (about 15 minutes). Again, circulate and give individual help.

C. Sample Questions for Discussion of Codes

1. How are the two codes alike? Use the list on the board.
2. How are the codes different?
3. Which code is a more effective deterrent to crime? Why?
4. Why does Hammurabi's Code use the law of retaliation while the Law of Eshnunna is less likely to use harsh treatment?

5. Which of the laws are the same in the codes? Give the code name and the number of the law. Then read the law. List on the board the name and number.

6. Which aspects of the ancient codes are like U.S. law today? Which are different?

List for the teacher:
Comparing Ancient Codes

Eshnunna	Hammurabi
12-13	21-25
25	160-161
28	129 & 143
29	135
30	136
42	200-201
42	196
42	202-205
46	197
47	206
49	19
50	16
53-55	244-252

7. Understanding the Fines

Ask your students to figure the amount of the fine in money as well as the time (days and/or years) needed to earn the money. **STUDENT RESOURCE G, "Ancient Measures and Their Equivalents"** will help give meaning to the fines imposed on the guilty party.

Use the following codes and numbers:

Eshnunna	Hammurabi
12-13	24
42	201 - 203 - 204
54-55	251-252

8. How could the large fines be paid?

- Sell your children, your wife, or yourself into slavery.
- Acquire a loan from the temple (interest was charged). The loan and interest were repaid over time.
- Make payments in small installments from your annual income.

D. Homework Assignment:

Write a law for the school following the example of the ancient codes (refer to **STUDENT WORKSHEET III**).

THE CODE OF HAMMURABI

Hammurabi (also spelled Hammurapi) was the sixth of eleven kings in the Old Babylonian (Amorite) Dynasty. He ruled for 43 years, from 1728 to 1686 according to the most recent calculations. The date-formula for his second year, "The year he enacted the law of the land," indicates that he promulgated his famous lawcode at the very beginning of his reign, but the copy which we have could not have been written so early because the Prologue refers to events much later than this. Our copy was written on a diorite stela, topped by a bas-relief showing Hammurabi in the act of receiving the commission to write the lawbook from the god of justice, the sun-god Shamash. The stela was carried off to the old Elamite capital, Susa (the Shushan of Esther and Daniel), by some Elamite raider (apparently Shutruk-Nahhunte, about 1207-1171 B.C.) as a trophy of war. It was discovered there by French archaeologists in the winter of 1901-1902 and was carried off by them to the Louvre in Paris as a trophy of archaeology. All the laws from col. xvi 77 to the end of the obverse (from the end of §65 to the beginning of §100) were chiseled off by the Elamites, but these have been preserved in large part on other copies of the Code.

THE LAWS
(Primary Source)

1: If a seignior accused a(nother) seignior and brought a charge of murder against him, but has not proved it, his accuser shall be put to death.

2: If a seignior brought a charge of sorcery against a(nother) seignior, but has not proved it, the one against whom the charge of sorcery was brought, upon going to the river, shall throw himself into the river, and if the river has then overpowered him, his accuser shall take over his estate; if the river has shown that seignior to be innocent and he has accordingly come forth safe, the one who brought the charge shall be put to death, while the one who threw himself into the river shall take over the estate of his accuser.

3: If a seignior came forward with false testimony in a case, and has not proved the word which he spoke, if that case was a case involving life, that seignior shall be put to death.

4: If he came forward with (false) testimony concerning grain or money, he shall bear the penalty of that case.

5: If a judge gave a judgement, rendered a decision, deposited a sealed

document, but later has altered his judgement, they shall prove that the judge altered the judgement which he gave and he shall pay twelvefold the claim which holds in that case; furthermore, they shall expel him in the assembly from his seat of judgement and he shall never again sit with the judges in a case.

6: If a seignior stole the property of church or state, that seignior shall be put to death; also the one who received the stolen goods from his hand shall be put to death.

7: If a seignior has purchased or received for safekeeping either silver or gold or a male slave or a female slave or an ox or a sheep or an ass or any sort of thing from the hand of a seignior's son or a seignior's slave without witnesses and contracts, since that seignior is a thief, he shall be put to death.

8: If a seignior stole either an ox or a sheep or an ass or a pig or a boat, if it belonged to a church (or) if it belonged to the state, he shall make thirtyfold restitution; if it belonged to a private citizen, he shall make good tenfold. If the thief does not have sufficient to make restitution, he shall be put to death.

9: When a seignior, (some of) whose property was lost, has found his property in the possession of a(nother) seignior, if the seignior in whose possession the lost (property) was found has declared, "A seller sold (it) to me; I made the purchase in the presence of witnesses," and the owner of the lost (property) in turn has declared, "I will produce witnesses attesting to my lost (property);" the purchaser having then produced the seller having made the sale to him and the witnesses in whose presence he made the purchase, and the owner of the lost (property) having also produced the witnesses attesting to his lost (property), the judges shall consider their evidence, and the witnesses in whose presence the purchase was made, along with the witnesses attesting to the lost (property), shall declare what they know in the presence of god, and since the the seller was the thief, he shall be put to death , while the owner of the lost (property) shall take his lost (property), with the purchaser obtaining from the estate of the seller the money he paid out.

10: If the (professed) owner of the lost property has not produced the seller who made the sale to him and the witnesses in whose presence he made the purchase, but the owner of the lost property has produced witnesses attesting to his lost property, since the (professed) purchaser was the thief, he shall be put to death, while the owner of the lost property shall take his lost property.

11: If the seller has gone to (his) fate, the purchaser shall take from the estate of the seller fivefold the claim for that case.

13: If the witnesses of that seignior were not at hand, the judges shall set a

time-limit of six months for him, and if he did not produce his witnesses within six months, since that seignior was a cheat , he shall bear the penalty of the case.

14: If a seignior has stolen the young son of a(nother) seignior, he shall be put to death.

15: If a seignior has helped either a male slave of the state or a female slave of the state or a male slave of a private citizen or a female slave of a private citizen to escape through the city-gate, he shall be put to death.

16: If a seignior has harbored in his house either a male fugitive slave or a female slave belonging to the state or to a private citizen and has not brought him forth at the summons of the police, that house holder shall be put to death.

17: If a seignior caught a fugitive male or female slave in the open and has taken him to his owner, the owner of the slave shall pay him two shekels silver.

18: If that slave has not named his owner, he shall take him to the palace in order that his record may be investigated, and they shall return him to his owner.

19: If he has kept the slave in his house (and) later the slave has been found in his possession, that seignoir shall be put to death.

20: If the slave has escaped from the hand of his captor, that seignior shall (so) affirm by god to the owner of the slave and he shall then go free.

21: If a seignior made a breach in a house, they shall put him to death in front of that breach and wall him in.

22: If a seignior has committed a robbery and has been caught, that seignior shall be put to death.

23: If the robber has not been caught, the robbed seignior shall set forth the particulars regarding his lost property in the presence of god, and the city and governor, in whose territory and district the robbery was committed, shall make good to him his lost property.

24: If it was a life (that was lost), the city and government shall pay one mina of silver to his people.

25: If fire broke out in a seignior's house and a seignior, who went to extinguish (it), cast his eye on the goods of the owner of the house and has appropriated the goods of the owner of the house, that seignoir shall be thrown into that fire.

* * * * *

117: If an obligation came due against a seignior and he sold (the services of) his wife, his son, or his daughter, or he has been bound over to service, they shall work (in) the house of their purchaser or obligee for three years, with their freedom reestablished in the fourth year.

129: If the wife of a seignior has been caught while lying with another man, they shall bind them and throw them into the water. If the husband of the woman wishes to spare his wife, then the king in turn may spare his subject.

130: If a seignior bound the (betrothed) wife of a(nother) seignior, who had had no intercourse with a male and was still living in her father's house, and he has lain in her bosom and they have caught him, that seignior shall be put to death, while that woman shall go free.

131: If a seignior's wife was accused by her husband, but she was not caught while lying with another man, she shall make affirmation by god and return to her house.

132: If the finger was pointed at the wife of a seignior because of another man, but she has not been caught while lying with the other man, she shall throw herself into the river for the sake of her husband.

133: If a seignior was taken captive, but there was sufficient to live on in his house, his wife [shall not leave her home, but she shall take care of her person by not] entering [the house of another].

133a: If that woman did not take care of her person, but has entered the house of another, they shall prove it against that woman and throw her into the water.

134: If the seignior was taken captive and there was not sufficient to live on in his house, his wife may enter the house of another, with that woman incurring no blame at all.

135: If, when a seignior was taken captive and there was not sufficient to live on in his house, his wife has then entered the house of another before his (return) and has borne children, (and) later her husband has returned and reached his city , that woman shall return to her first husband, while the children shall go with their father.

136: If, when a seignior deserted his city and then ran away, his wife has entered the house of another after his (departure), if that seignior has returned and wishes to take back his wife, the wife of the fugitive shall not return to her husband because he scorned his city and ran away.

137: If a seignior has made up his mind to divorce a lay priestess, who bore him children, or a hierodule who provided him with children, they shall return her dowry to that woman and also give her half of the field, orchard and goods in order that she may rear her children; after she has brought up her children, from whatever was given to her children they shall give her a portion corresponding to (that of) an individual heir in order that the man of her choice may marry her.

138: If a seignior wishes to divorce his wife who did not bear him children, he shall give her money to the full amount of her marriage-price and he shall also make good to her the dowry which she brought from her father's house and then he may divorce her.

139: If there was no marriage-price, he shall give her one mina of silver as the divorce-settlement.

140: If he is a peasant, he shall give her one-third mina of silver.

141: If a seignior's wife, who was living in the house of the seignior, has made up her mind to leave in order that she may engage in business, thus neglecting her house (and) humiliating her husband, they shall prove it against her; and if her husband has then decided on her divorce, he may divorce her with nothing to be given her as her divorce-settlement upon her departure. If her husband has not decided on her divorce, her husband may marry another woman, with the former woman living in the house of her husband like a maidservant.

142: If a woman so hated her husband that she has declared, "You may not have me," her record shall be investigated at her city council, and if she was careful and was not at fault, even though her husband has gone out and disparaged her greatly, that woman, without incurring any blame at all, may take her dowry and go off to her father's house.

143: If she was not careful, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water.

144: When a seignior married a hierodule and that hierodule gave a female slave to her husband and she has then produced children, if that seignior has made up his mind to marry a lay priestess, they may not allow that seignior, since he may not marry the lay priestess.

145: If a seignior married a hierodule and she did not provide him with children and he has made up his mind to marry a lay priestess, that seignior may marry the lay priestess, thus bringing her into his house, (but) with that lay priestess ranking in no way with the hierodule.

146: When a seignior married a hierodule and she gave a female slave to her husband and she has then borne children, if later that female slave has claimed equality with her mistress because she had borne children, her mistress may not sell her; she may mark her with the slave-mark and count her among the slaves.

147: If she did not bear children, her mistress may sell her.

148: When a seignior married a woman and a fever has then seized her, if

he has made up his mind to marry another, he may marry (her) without divorcing his wife whom the fever seized; she shall live in the house which he built and he shall continue to support her as long as she lives.

149: If that woman has refused to live in her husband's house, he shall make good her dowry to her which she brought from her father's house and then she may leave.

150: If a seignior, upon presenting a field, orchard, house, or goods to his wife, left a sealed document with her, her children may not enter a claim against her after (the death of) her husband, since the mother may give her inheritance to the son of hers that she likes, (but) she may not give (it) to an outsider.

151: If a woman, who was living in a seignior's house having made a contract with her husband that a creditor of her husband may not distrain her, has then had (him) deliver a written statement; if there was a debt against that seignior before he married that woman , his creditors may not distrain his wife; also, if there was a debt against that woman before she entered the seignior's house, her creditors may not distrain her husband.

152: If a debt has developed against them after that woman has entered the seignior's house, both of them shall be answerable to the merchant.

153: If a seignior's wife has brought about the death of her husband because of another man, they shall impale that woman on stakes.

154: If a seignior has had intercourse with his daughter, they shall make that seignior leave the city.

155: If a seignior chose a bride for his son and his son had intercourse with her, but later he himself has lain in her bosom and they have caught him, they shall bind that seignior and throw him into the water.

156: If a seignior chose a bride for his son and his son did not have intercourse with her, but later he himself has lain in her bosom, he shall pay to her one-half mina of silver and he shall also make good to her whatever she brought from her father's house in order that the man of her choice may marry her.

157: If a seignior has lain in the bosom of his mother after (the death of) his father, they shall burn both of them.

158: If a seignior after (the death of) his father has been caught in the bosom of his foster mother who was the bearer of children, that seignior shall be cut off from the parental home.

159: If a seignior, who had the betrothal-gift brought to the house of his (prospective) father-in-law (and) paid the marriage-price, has then fallen in love with another woman and has said to his (prospective) father-in-law, "I will not

marry your daughter," the father of the daughter shall keep whatever was brought to him.

160: If a seignior had the betrothal-gift brought to the house of his (prospective) father-in-law (and) paid the marriage-price, and the father of the daughter has then said, "You may not marry my daughter," he shall pay back double the full amount that was brought to him.

161: If a seignior had the betrothal-gift brought to the house of his (prospective) father-in-law (and) paid the marriage-price, and then a friend of his has so maligned him that his (prospective) father-in-law has said to the (prospective) husband, "You may not marry my daughter ," he shall pay back double the full amount that was brought to him, but his friend may not marry his (intended) wife.

162: If, when a seignior acquired a wife, she bore him children and that woman has then gone to (her) fate, her father may not lay claim to the dowry of the woman since her dowry belongs to her children.

163:..If a seignior acquired a wife and that woman has gone to (her) fate without providing him with children, if his father-in-law has then returned to him the marriage-price which that brought to the house of his father-in-law, her husband may not lay claim to the dowry of the woman, since her dowry belongs to her father's house.

164: If his father-in-law has not returned the marriage-price to him, he shall deduct the full amount of her marriage-price from her dowry and return (the rest of) her dowry to her father's house.

165: If a seignior, upon presenting a field, orchard, or house to his first-born, who is the favorite in his eye, wrote a sealed document for him, when the brothers divide after the father has gone to (his) fate, he shall keep the present which the father gave him, but otherwise they shall share equally in the goods of the parental estate.

166: If a seignior, upon acquiring wives for the sons that he got, did not acquire a wife for his youngest, when the brothers divide after the father has gone to (his) fate, to their youngest brother who did not acquire a wife, to him in addition to his share they shall assign money (enough) for the marriage-price from the goods of the paternal estate and thus enable him to acquire a wife.

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185: If a seignior adopted a boy in his own name and has reared him, that foster child may never be reclaimed.

186: If a seignior, upon adopting a boy, seeks out his father and mother when he has taken him, that foster child may return to his father's house.

187: The (adopted) son of a chamberlain, a palace servant, or the (adopted) son of a votary, may never be reclaimed.

188: If a member of the artisan class took a son as a foster child and has taught him his handicraft, he may never be reclaimed.

189: If he has not taught him his handicraft, that foster child may return to his father's house.

190: If a seignior has not counted among his sons the boy that he adopted and reared, that foster child may return to his father's house.

191: If a seignior, who adopted a boy and reared him, set up a family of his own, has later acquired children and so has made up (his) mind to cut off the foster child, that son shall to go off empty-handed; his foster father shall give him from his goods his one-third patrimony and then he shall go off, since he may not give him any off the field, orchard, or house.

192: If the (adopted) son of a chamberlain or the (adopted) son of a votary has said to his foster father, "You are not my father," "You are not my mother," they shall cut out his tongue.

193: If the (adopted) son of a chamberlain or the (adopted) son of a votary found out his parentage and came to hate his foster father and his foster mother and so has gone off to his parental home, they shall pluck out his eye.

194: When a seignior gave his son to a nurse and that son has died in the care of the nurse, if the nurse has then made a contract for another son without the knowledge of his mother and father, they shall prove it against her and they shall cut off her breast because she made a contract for another son without the knowledge of his father and mother.

195: If a son has struck his father, they shall cut off his hand.

196: If a seignior has destroyed the eye of a member of the aristocracy they shall destroy his eye.

197: If he has broken a(nother) seignior's bone, they shall break his bone.

198: If he has destroyed the eye of a commoner or broken the bone of a commoner, he shall pay one mina of silver.

199: If he has destroyed the eye of a seignior's slave or broken the bone of a seignior's slave, he shall pay one-half his value.

200: If a seignior has knocked out a tooth of a seignior of his own rank, they shall knock out his tooth.

201: If he has knocked out the tooth a commoner's tooth, he shall pay one-

third mina of silver.

202: If a seignior has knocked out a tooth of a seignior who is superior to him, he shall be beaten sixty (times) with an oxtail whip in the assembly.

203: If a member of the aristocracy has struck the cheek of a(nother) member of the aristocracy who is of the same rank as himself, he shall pay one mina of silver.

204: If a commoner has struck the cheek of a(nother) commoner, he shall pay ten shekels of silver.

205: If a seignior's slave has struck the cheek of a member of the aristocracy, they shall cut off his ear.

206: If a seignior has struck a(nother) seignior in a brawl and has inflicted an injury on him, that seignior shall swear "I did not deliberately," and he shall also pay for the physician.

207: If he has died because of his blow, he shall swear (as before), and if it was a member of the aristocracy, he shall pay one-half mina of silver.

208: If it was a member of the commonalty, he shall pay one-third mina of silver.

209: If a seignior struck a(nother) seignior's daughter and has caused her to have a miscarriage, he shall pay ten shekels of silver for her fetus.

210: If that woman has died, they shall put his daughter to death.

211: If by a blow he has caused a commoner's daughter to have a miscarriage, he shall pay five shekels of silver.

212: If that woman has died, he shall pay one-half mina of silver.

213: If he struck a seignior's female slave and has caused her to have a miscarriage, he shall pay two shekels of silver.

214: If that female slave has died, he shall pay one-third mina of silver.

215: If a physician performed a major operation on a seignior with a bronze lancet and has saved the seignior's life, or he open up the eye-socket of a seignior with a bronze lancet and has saved the seignior's eye, he shall receive ten shekels of silver.

216: If it was a member of the commonalty, he shall receive five shekels.

217: If it was a seignior's slave, the owner of the slave shall give two shekels of silver to the physician.

218: If a physician performed a major operation on a seignior with a bronze lancet and has caused the seignior's death, or he opened up the eye-socket of the seignior and has destroyed the seignior's eye, they shall cut off his hand.

219: If a physician performed a major operation on a commoner's slave

with a bronze lancet and has caused (his) death, he shall make good slave for slave.

220: If he opened up his eye-socket with a bronze lancet and has destroyed his eye, he shall pay one-half his value in silver.

221: If a physician has set a seignior's broken bone, or has healed a sprained tendon, the patient shall give five shekels of silver to the physician.

222: If it was a member of the commonalty, he shall give three shekels of silver.

223: If it was a seignior's slave, the owner of the slave shall give two shekels of silver to the physician.

224: If a veterinary surgeon performed a major operation on either an ox or an ass and has saved (its) life, the owner of the ox or the ass shall give the surgeon one-sixth (shekel) of silver as his fee.

225: If he performed a major operation on an ox or an ass and has caused (its) death, he shall give to the owner of the ox or the ass one-fourth its value.

226: If a brander cut off the slave-mark of a slave not his own without the consent of the owner of the slave, they shall cut off the hand of that brander.

227: If a seignior deceived a brander so that he has cut off the slave-mark of a slave not his own, they shall put that seignior to death and immure him at his gate; the brander shall swear, "I did not cut (it) off knowingly," and then be set free.

228: If a builder constructed a house for a seignior and finished (it) for him, he shall give two shekels of silver per sar of house as his remuneration.

229: If a builder constructed a house for a seignior, but did not make his work strong, with the result that the house which he built collapsed and so has caused the death of the owner of the house, that builder shall be put to death.

230: If it has caused the death of a son of the owner of the house, they shall put the son of that builder to death.

231: If it has cause the death of a slave of the owner of the house, he shall give slave for slave to the owner of the house.

232: If it has destroyed goods, he shall make good whatever it destroyed; also, because he did not make the house strong which he built and it collapsed, he shall reconstruct the house which collapsed at his own expense.

233: If a builder constructed a house for a seignior and has not done the work properly so that a wall has become unsafe, that builder shall strengthen that wall at his own expense

234: If a boatman calked a boat at sixty kur for a seignior, he shall give him

two shekels of silver as his remuneration.

235: If boatman calked a boat for a seignior and did not do his work well with the result that the boat has sprung a leak in that very year, since it has developed a defect, the boatman shall dismantle that boat and strengthen (it) at his own expense and give the strengthened boat back to the owner of the boat.

236: If a seignior let his boat for hire to a boatman and the boatman was so careless that he has sunk or wrecked the boat, the boatman shall make good the boat to the owner of the boat.

237: When a seignior hired a boatman and a boat and loaded it with grain, wool, oil, dates, or any kind of freight, if that boatman was so careless that he has sunk the boat and lost what was in it as well, the boatman shall make good the boat and whatever that was lost in it.

238: If a boatman sank the boat of a seignior and has then refloated it, he shall give one-half its value in silver.

239: If a seignior hired a boatman, he shall give him six kur of grain per year.

240: If a rowboat rammed a sailboat and has sunk (it), the owner of the boat whose boat was sunk shall in the presence of god set forth the particulars regarding whatever was lost in his boat and the one in charge of the rowboat which sank the sailboat shall make good to him his boat and his lost property.

241: If a seignior has distrained an ox as a pledge, he shall pay one-third mina of silver.

242, 243: If a seignior hired (it) for one year, he shall give to its owner four kur of grain as the hire of an ox in tandem, three kur of grain as that of a young lead-ox.

244: If a seignior hired an ox or an ass and a lion has killed it in the open, (the loss) shall be the owner's.

245: If a seignior hired an ox and has caused its death through carelessness, or through beating, he shall make good ox for ox to the owner of the ox.

246: If a seignior hired an ox and has broken its foot or has cut its neck tendon, he shall make good ox for ox to the owner of the ox.

247: If a seignior hired an ox and has destroyed its eye, he shall give one-half of its value in silver to the owner of the ox.

248: If a seignior hired an ox and has broken its horn, cut off its tail or injured the flesh of its back, he shall give one-quarter its value in silver.

249: If a seignior hired an ox and god struck it and it has died, the seignior

who hired the ox shall (so) affirm by god and then he shall go free.

250: If an ox, when it was walking along the street, gored a seignior to death, that case is not subject to claim.

251: If a seignior's ox was a gorer and his city council made it known to him that it was a gorer, but he did not pad its horns (or) tie up his ox, and that ox gored to death a member of the aristocracy, he shall give one-half mina of silver.

252: If it was a seignior's slave, he shall give one-third mina silver.

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STUDENT WORKSHEET I

CODE OF HAMMURABI WORKSHEET

Read the word *"Seignior"* as "man".

1. What are some of the categories or topics covered under the law? List by topic and number.

2. Why are these categories included in the Code?

3. What does the Code reveal about class structure within the civilization? Name the classes.

4. What are your observations and general impressions regarding the Code?

THE LAWS OF ESHNUNNA
(Primary Source)

1: 1 kor of barley is (priced) at 1 shekel of silver; 3 qa of "best oil" are (priced) at 1 shekel of silver; 1 seah (and) 2 qa of sesame oil are (priced) at 1 shekel of silver; 1 seah (and) 5 qa of lard are (priced) at 1 shekel of silver; 4 seah of "river oil" are (priced) at 1 shekel of silver; 6 minas of wool are (priced) at 1 shekel of silver; 2 kor of salt are (priced) at 1 shekel of silver; 1 kor... is (priced) at 1 shekel of silver; 3 minas of copper are (priced) at 1 shekel of silver; 2 minas of refined copper are (priced) at 1 shekel of silver....

3: The hire for a wagon together with its oxen and its driver is 1 pan (and) 4 seah of barley. If it is (paid in) silver, the hire is one third of a shekel. He shall drive it the whole day.

4: The hire for a boat is 2 qa per kor (of capacity), 1 seah 1 qa is the hire for the boatman. He shall drive it the whole day

5: If the boatman is negligent and causes the sinking of the boat, he shall pay in full for everything the sinking of which he caused.

6: If a man takes possession of a boat (which is) not his, he shall pay 10 shekels of silver.

7: The wages of a harvester are 2 seah of barley; if they are (paid in) silver, his wages are 12 grain.

8: The wages of winnowers are 1 seah of barley.

9: Should a man pay 1 shekel of silver to a hired man for harvesting—if he (the hired man) does not place himself at his disposal and does not complete for him the harvest work everywhere, he [shall p]ay 10 shekels of silver. Should he have received 1 seah (and) 5 qa (of barley) as wages and leave the rations of [barley], oil (and) cloth shall also be refunded.

10: The hire for a donkey is 1 seah of barley, and the wages for its driver are 1 seah of barley. He shall drive it the whole day.

11: The wages of a hired man are 1 shekel of silver; his provender is 1 pan of barley. He shall work for one month.

12: A man who is caught in the field of a muskenum during daytime, shall pay 10 shekels of silver. He who is caught in the crop [at ni]ght, shall die, he shall not get away alive.

13: A man who is caught in the house of a muskenum, in the house during daytime, shall pay 10 shekels of silver. He who is caught in the house at night, shall die, he shall not get away alive....

16: To a slave a mortgage cannot be furnished.

17: Should the son of a man bring bride-money to the house of (his) father-in-law, if one of the two deceases, the money shall revert to its owner.

18: If he takes her (the girl) and she enters his house, but afterward the young woman should decease, he (the husband) can not obtain refunded that which he brought (to his father-in-law), but will retain the excess (in) his (hand).

18A: Per 1 shekel (of silver) there will accrue 1/6 shekel and 6 grain as interest; per 1 kor (of barley) there will accrue 1 pan and 4 seah as interest.

19: The man who gives (a loan) in terms of his retake shall make (the debtor) pay on the threshing floor.

20: If a man gives a loan... expressing the value of the silver in barley, he shall at harvest time receive the value of the silver in barley and its interest, 1 pan (and) 4 seah per kor.

21: If a man gives silver (as a loan)at face value, he shall receive the silver and its interest, one-sixth (of a shekel) and [6 grain] per shekel.

22: If a man has no claim against a(nother) man, but (nevertheless) distrains the (other) man's slave-girl, the owner of the slave-girl shall [decla]re under oath: "Thou has no claim against me," and he shall pay (him) silver in full compensation for the slave-girl.

23: If a man has no claims against a(nother) man, but (nevertheless) distrains the (other) man's slave-girl, detains the distrainee in his house and causes (her) death, he shall give two slave-girls to the owner of the slave-girl as replacement.

24: If he has no claim against him, but (nevertheless) distrains the wife of a muskenum (or) the child of a muskenum and causes their death, it is a capital offense. The distrainer who distrained will die.

25: If a man calls at the house of (his) father-in-law and his father-in-law accepts him in servitude, but (nevertheless) gives his daughter to [another man] the father of the girl shall refund the bride-money which he received two-fold.

26: If a man gives bride-money for a(nother) man's daughter but another man seizes her forcibly without asking the permission of her father and mother and deprives her of her virginity, it is a capital offense and he shall die.

27: If a man takes a(nother) man's daughter without asking permission of her father and her mother and concludes no formal marriage contract with her father and her mother, even though she may live in his house for a year, she is not a housewife.

28: On the other hand, if he concludes a formal contract with her father and

her mother and cohabits with her, she is a housewife. When she is caught with a(nother) man, she shall die, she shall not get away alive.

29: If a man has been made prisoner during a raid or an invasion or (if) he has been carried off forcibly and [stayed in] a foreign [count]ry for a [long] time, (and if) another man has taken his wife and she has born him a son—when he returns, he shall [get] his wife back.

30: If a man hates his town and his lord and becomes a fugitive, (and if) another man takes his wife—when he returns, he shall have no right to claim his wife.

31: If a man deprives another man's slave-girl of her virginity, he shall pay one-third of a mina of silver; the slave-girl remains the property of her owner.

32: If a man gives his son (away) for having (him) nursed and brought up, but does not give (the nurse) rations of barley, oil (and) wool for three years, he shall pay (her) 10 minas (of silver) for bringing up his son and shall take back his son.

33: If a slave-girl by subterfuge gives her child to a(nother) man's daughter, (if) its lord sees it when it has become older, he may seize it and take it back.

34: If a slave-girl of the palace gives her son or her daughter to a museknum for bringing (him/her) up, the palace may take back the son or the daughter whom she gave.

35: Also the adoptant of the child of a slave-girl of the palace shall recompense the palace with its equivalent.

36: If a man gives property of his as a deposit to... and if the property he gives disappears without that the house was burglarized, the sippu broken down (or) the window forced, he (the depositary's) will replace his (the depositor's) property.

37: If the man's (the depositary's) house either collapses or is burglarized and together with the (property of the) deposit(or) which he gave him loss on the part of the owner of the house is incurred, the owner of the house shall swear him an oath within the gate of Tishpak (saying): "Together with your property my property was lost; I have done nothing improper or fraudulent." If he swears him (such an oath), he shall have no claim against him.

38: If one of several brothers wants to sell his share (in a property common to them) and his brother wants to buy it, he shall pay...

39: If a man is hard up and sells his house, the owner of the house shall (be entitled to) redeem (it) whenever the purchaser (re)sells it.

40: If a man buys a slave, a slave-girl, an ox or any other valuable good but

cannot (legally) establish the seller, he is a thief.

42: If a man bites the nose of a(nother) man and severs it, he shall pay 1 mina of silver. (For) an eye (he shall pay) 1 mina of silver; (for) a tooth 1/2 mina; (for) an ear 1/2 mina; (for) a slap in the face, 10 shekels of silver.

43: If a man severs a(nother) man's finger, he shall pay two-thirds of a mina of silver.

44: If a man throws a(nother) man to the floor in an altercation and brakes his hand, he shall pay 1/2 mina of silver.

45: If he breaks a foot, he shall pay 1/2 mina of silver.

46: If a man assaults a(nother) man and breaks his..., he shall pay two-thirds of a mina of silver.

47: If a man hits a(nother) man accidentally, he shall pay 10 shekels of silver.

48: And in addition, (in cases involving penalties) from two-thirds mina of silver to 1 mina, they shall formally try the man. A capital offense comes before the king.

49: If a man is caught with a stolen slave (or) a stolen slave-girl, he shall surrender slave by slave (and) slave-girl by slave-girl.

50: If the governor, the river commissioner (or) an(other) official whoever it may be seizes a lost slave, a lost slave-girl, a lost ox, a lost donkey belonging to the palace or a muskenum and does not surrender it to Eshnunna but keeps it in his house, even though he may let pass only seven days, the palace shall prosecute him for theft.

51: A slave or a slave-girl of Eshnunna which is marked with a kannum, a maskanum or an abbuttum shall not leave the gate of Eshnunna without its owner's permission.

52: A slave or a slave-girl which has entered the gate of Eshnunna in the custody of a (foreign) envoy shall be marked with a kannum, a maskanum or an abbuttum but remains in the custody of its master.

53: If an ox gores an(other) ox and causes (its) death, both ox owners shall divide (among themselves) the price of the live ox and also the equivalent of the dead ox.

54: If an ox is known to gore habitually and the authorities have brought the fact to the knowledge of its owner, but he does not have his ox dehorned, it gores a man and causes (his) death, then the owner of the ox shall pay two-thirds of a mina of silver.

55: If it gores a slave or causes (his) death, he shall pay 15 shekels of silver.

56: If a dog is vicious and the authorities have brought the fact to the

knowledge of the owner, (if nevertheless) he does not keep it in, it bites a man and causes (his) death, then the owner of the dog shall pay two thirds of a mina of silver.

57: If it bites a slave and causes (its) death, he shall pay 15 shekels.

58: If a wall is threatening to fall and the authorities have brought the fact to the knowledge of its owners, (if nevertheless) he does not strengthen the wall, the wall collapses and causes a free man's death, then it is a capital offence; jurisdiction of the king.

59: If a man divorces his wife after having made her bear children and takes [ano]ther wife, he shall be driven from his house and from whatever he owns and may go after him who will accept him.

(60 and 61 badly mutilated and therefore incomprehensible.)

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COMPARING ANCIENT CODES WORKSHEET

The Code of Hammurabi and the Laws of Eshnunna both contain many laws that deal with the same crime and infraction of the social norm. Read the Codes to discover laws on the same topic. Compare crime and punishment between the Codes.

List below by letter, number, and crime, with its corresponding punishment.

Example:

Eshnunna	Hammurabi
E 46	H 197

Crime
Breaking bones

Punishment
E - 2/3 mina silver

H - Men equal in rank break his bone

ANCIENT MEASURES AND THEIR EQUIVALENTS

Measures of Length

su-si	("finger")	=	1 finger or 2/3rds (0.67) of an inch
kus	("cubit")	=	30 su-si or 20 inches
gi	("reed")	=	6 kus or 10 feet
gar-du	("garden")	=	2 gi or 20 feet
es	("line")	=	10 gar-du or 200 feet
danna	("league")	=	1880 gar-du or 36,000 feet or 6.8 miles

Measures of Area

sar	("garden")	=	1 (gar-du) or 35 sq. meters or 376
iku	("field")	=	100 sar or 37,600 sq. ft. or circa 7 sq. miles
bur		=	18 iku or 128.18 sq. miles
sar		=	1080 iku or 60 bur or 7690.909 sq. miles

Measures of Capacity

gin	=	0.01416 liters or 0.77 cu. inches
sila	=	60 gin or 0.850 liters or 1/5th of a gallon or 0.024 bur
gur	=	144 sila or 122.4 liters or 28.8 gallons or 3.47 bushels
gur-lugal	=	300 sila or 225 liters or 60 gallons or 7.24 bushels
gur	=	3600 sila or 3060 liters or 720 gallons or 86.84 bushels

STUDENT RESOURCE G

Measures of Weight

se (she)	("grain")	=	0.0014814 ounces or $6.50
gin (shiqlu)	("shekel")	=	180 se or 0.266652 ounce or $1,170
ma-na	("mina")	=	60 gin or 1 pound or $70,200
gu (biltu)	("talent")	=	60 ma-na or 60 pounds or $4,212,000

Throughout the Ancient Near East the average wage of an artisan or laborer seems to have remained steady from the era of Sumer to the Persian Empire at around 5 se per day ($32.00 in today's money). It thus took this worker 34 days to earn 1 shekel, with the average annual income thus being about 10 1/2 shekels.

STUDENT WORKSHEET III

SCHOOL RULES REFLECT THE ANCIENT CODES

1. Write a law for the code of _____ High School. Your law should be like those we worked with today: wording, values, class structure, punishments should reflect the ancient codes.

2. Write or print your law in the space provided below.

3. Make it legal by sealing it with your cylinder or stamp seal. This is your own design but it should be similar to those we have seen .

4. The laws will be posted on our classroom stele (wall) so that all may read them to obtain justice.

5. You will be graded not only on historical accuracy, but also on neatness and originality. You may color or decorate your law. Use only the space provided below.

COURT CASES FROM THE ANCIENT NEAR EAST AND TODAY

A. Objectives

1. Read court cases and letters from the Ancient Near East and identify the social and economic concerns.

2. Use the Code of Hammurabi and the Laws of Eshnunna to arrive at justice in these court cases.

3. Apply these ancient codes and laws to modern issues of justice, social values and economics.

B. Lesson Activities

1. Collect the homework. Read and discuss some of the school laws written by students.

Note to the Teacher:

- Make your stele: put the laws up on the classroom wall.
- Contact the school newspaper for a good article. "And you thought our school rules were out of date."
- If you are going to use law as a topical approach to history, save ten or so of the best for a growing bulletin board.

2. Ancient Cases (Group Work)

   a. "As authors of the law, you know that this is only

the first step in the process of justice. Law, to have meaning, must be enforced through the courts. So today we are going to do two things: first, we are going to work with original court cases, legal documents and letters from Mesopotamia to see that justice is done, and then we will work with a modern question of justice found on the front page of the newspaper."

b. "Before you begin, however, I want you to know about 'the oath' mentioned in one of your documents." Give a brief explanation (see enclosed **STUDENT RESOURCE L** by S. Dalley)

c. "Please get into your work groups." Give each student **STUDENT RESOURCE E** and **F**, the law codes. Then give each group one set of documents. (**STUDENT RESOURCES H - L**) "Using the codes and your work sheets from yesterday as a help and guide, I want you to work together to answer the questions at the end of the resources. You will have about 15 minutes to work."

Answers
Laws on Adoption: H 185 covers H 191 and possibly H 150 (also E 59)
Law on Inheritance: H 166
Law on Oxen: H 245 and H 249
Law on Family Relations: E 24 and H 117

d. After 15 minutes, collect the documents (for grading) and discuss each case using the questions on the document sheet.

3. Modern Cases - Group Work

a. Tell the students that working as a group they are to select a front page legal case (e.g. murder,

ownership, environment, etc.) and using their knowledge of modern law and the codes of ancient law they are to fill in the worksheet. **(STUDENT WORKSHEET IV)** They will have 10 minutes to answer the questions and then they can discuss the cases.

b. Discuss the cases using the worksheet questions.

4. Summary

What have we learned about ancient and modern law? Discuss and list on the board:

a. Laws fit the needs and values of society.

b. Laws change over time.

c. Law is for the protection of the individuals in society.

d. The need for order in society does not change.

e. Punishments fit the value system of society.

f. Our modern legal system has its roots in ancient laws and codes.

STUDENT RESOURCE H

LEGAL DOCUMENTS FROM MESOPOTAMIA
(Primary Source)

Tarmiya, the son of Huya, appeared with Shukriya and Kula-hupi, with (these) two brothers of his, the sons of Huya, in a lawsuit before the judges of Nuzi with reference to the female slave [Sululi-Ishtar], where upon Tarmiya spoke thus before the judges, "My father, Huya, was sick and lay on a couch; then my father seized my hand and spoke thus to me, 'My other sons, being older, have acquired wives; but you have not acquired a wife; so I give you herewith Sululi-Ishtar as your wife.'" Then the judges demanded the witnesses of Tarmiya [and Tarmiya] had his witnesses appear [before the judges]:..., the son of Hurshaya,..., the son of Ikkiya,..., the son of Itrusha, (and)..., the son of Hamanna. [These] witnesses of [Tarmiya] were examined before the judges, whereupon the judges spoke to Shukriya and Kula-hupi, "Go and take the oath of the gods against the witnesses of Tarmiya." Shukriya and Kula-hupi shrank from the god's so that Tarmiya prevailed in the lawsuit and the judges assigned the female slave Sululi-Ishtar, to Tarmiya.

(The names of the three persons, each preceded by "The seal of .") The signature of Iliya.

1. Where is the case being tried?

2. What is the case about?

3. Who is the defendant?

4. Who are the plaintiffs?

5. Why did Tarmiya win the case?

6. Which laws of Eshnunna or Hammurabi are applicable to this document? (List with the letter E or H and the number of the law.)

7. What does the case tell you about Mesopotamian values?

REAL ADOPTION
(Primary Source)

The tablet of adoption belonging to [Zike], the son of Akkuya: he gave his son Shennima in adoption to Shuriha-ilu, and Shuriha-ilu, with reference to Shennima, (from) all the lands... (and) his earnings of every sort he gave to Shennima one (portion) of his property. If Shuriha-ilu should have a son of his own, as the principal (son) he shall take a double share; Shennima shall then be next in order (and) take his proper share. As long as Shuriha-ilu is alive, Shennima shall revere him. When Shuriha-ilu [dies], Shennima shall become the heir. Furthermore, Kelim-ninu has been given in marriage to Shennima. If Kelim-ninu bears (children), Shennima shall not take another wife; but if Kelim-ninu does not bear, Kelim-ninu shall acquire a woman of the land of Lullu as wife for Shennima, and Kelim-ninu may not send the off-spring away. Any sons that may be born to Shennima from the womb of Kelim-ninu, to (these) sons shall be given [all] the lands (and) buildings of every sort. [However], if she does not bear a son,[then] the daughter of Kelim-ninu from the lands (and) buildings shall take one (portion) of the property. Furthermore, Shuriha-ilu shall not adopt another son in addition to Shennima. Whoever among them defaults shall compensate with 1 mina of silver (and) 1 mina of gold.

Furthermore, Yalampa is given as a hand maid to Kelim-ninu and Shatim-ninu has been made co-parent. As long as she is alive, she (i.e. Yalampa) shall revere her and Shatim-ninu shall not annul the [agreement].

If Kelim-ninu bears (children) and Shennima takes another wife, she may take her dowry and leave.

(The names of the nine persons and the scribe as witnesses, each preceded by the witness-sign.)

The remaining sons of Zike may not lay claim to the lands (and) buildings belonging to the (above) one (portion) of the property.

The tablet was written after the proclamation.

(Sealed by eight persons, seven of whom were already named as witnesses.)

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STUDENT RESOURCE I

1. What things of value have been given or promised to Shennima by his father in adoption, Shuriha-ilu?

2. If Shuriha-ilu should have children of his own, what happens to Shennima?

3. From the document you can learn about the Mesopotamian's view of marriage and family.

   a. What is the primary reason for marriage?

   b. What rights does the wife have?

   c. What are the rights of the children?

   d. Why are points a, b, and c above important in this civilization?

4. What makes this document legal?

5. Which laws of Eshnunna or Hammurabi are applicable to this document? List with the letter E or H and the number of the laws.

STUDENT RESOURCE J

TELL LUGA: SIN-PUTRAM SENDS THE FOLLOWING MESSAGES:
(Primary Source)

May the gods Enlil and Ninurta keep you in good health.

Lugatum moved his bulls to the fortified area in order to plant sesame, and (my man) Ubar-Lulu was going along with them as ox driver. One of the bulls in his care died, so they came to me with this dispute; I questioned the ox drivers who accompanied Ubar-Lulu, and they declared as follows: "The bull strayed away (from the herd) to eat grass; he fell down and died." I said, "Go to Nippur, to the city where there are judges; let them decide your case!" The judges in Nippur gave them their decision and handed Ubar-Lulu over to the Garden Gate in order to take the oath there. Lugatum, however, is not accepting this decision. Please take good care of Ubar-Lulu so that he does not suffer a loss.

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1. Where was the case heard?

2. What law had the judges used when they required Ubar-Lulu to take the oath? List letter E or H and the number of the law.

3. Why was Lugatum not willing to accept the decision, and why was he appealing the case?

4. What other law would Lugatum use? List letter E or H and number of the law.

5. Under that law, what loss would Ubar-Lulu suffer?

6. What social values is this case concerned with?

STUDENT RESOURCE K

TELL AHU-KINUM:
AWIL-AMURRIM SENDS THE FOLLOWING MESSAGES:
(Primary Source)

Immediately after you left for the trip, Imgur-Sin arrived here and claimed: "He owes me one-third of a mina of silver." He took your wife and your daughter as pledges. Come back before your wife and daughter die from the work of constantly grinding barley while in detention. Please, get your wife and daughter out of this.

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1. Under what law might Imgur-Sin take the women? List letter E or H and the number of the law.

2. What is the most valuable for Imgur-Sin?

   For Awil-Amurrim?

3. By taking the women, what law might Imgur-Sin be violating? List letter E or H and the number of the law.

4. If Imgur-Sin is in violation of the law, what does his punishment tell you about Mesopotamian values?

STUDENT RESOURCE L

"OATH OF THE GOD"
Mari & Karana

The "oath of god" ceremony was used for treaties of friendship and alliance between two states or countries , and for many other kinds of agreements and disagreements, great and small.

"Speak to Iltani, thus Napsuna-Addu. May Shamash and Marduk grant you long life. Concerning the garment belonging to the ruler's servant which was given (accidentally?) to his textile-worker: the men have sworn the oath of the gods here. Give the order that they are to return the servant's garment."

If disputants were unwilling to take the oath or could not be relied upon to follow the correct procedure, certain officials known for the occasion as musazkirum, "commissioners of oaths", would be sent to administer the oath. From southern texts we know that a piece of the god's property was hired out from a temple to be present at the ceremony, as if to represent the god.

To some extent the ceremony was used as a lie detector or proof of innocence:

"They made them swear the 'oath of gods', and they came out unharmed", says a letter, showing that it was an ordeal in which the gods, who were responsible for justice on earth, would surely punish those who were doing wrong.

The same divine concern with justice can be found in the river ordeal, which like the "oath of the gods" occurs in Hammurabi's code of laws, as a means of settling a claim fairly. Rivers were to some extent considered divine: if a man was thrown into the river, the river god would make sure that a guilty man would drown, and an innocent man would come out unharmed.

"Now, I am going to take those two men down to the river-god; and their accusers are being guarded here in prison. Let one of your trustworthy servants take them down to the river god; if those men come out safe, I shall burn thier accusers in a fire. If the men die, I shall give their houses here and their dependents to their accusers."

The river god did not always give a clear-cut result. There is a difficult text which records a dispute over the ownership of a border town, in which it was decided that one man and three women should take the ordeal. The first three survived, but the third woman drowned. In a similar text four villagers took the ordeal by jumping into the river clutching a handful of earth from that village, proclaiming as they jumped: "That village is my village! It was allotted in a share

a long time ago, and was not given to So-and-So!"

There was presumably more to the ordeal than simply swimming, but we do not know exactly what happened, except that a particular distance is set for each person, according to that letter. In neighboring Iran, perhaps at this period, the details of a river ordeal are described in a Sanskrit text: The accused man submerged himself by holding the thighs of a man standing upright in water. As he went under, he said: "Through truth protect me, Varuna." At that instant an archer shot an arrow, and a runner ran to fetch it. If when he returned with the arrow, the accused was alive, he was innocent; if drowned, guilty.

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STUDENT WORKSHEET IV

MODERN LEGAL CASES

1. In two or three sentences, summarize the case. Get the headlines.

2. Predict the modern outcome (judgment) in the case. If your group is not in agreement, list all the options.

3. What would be the judgment under the ancient laws? Give letter and number of the laws.

4. How do judgments compare? Why are they similar or different?

5. From the law what can you deduce about the society that produced them?

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